

least 25 per cent of the wages of any person for the payment of all just debts incurred.

Numerously signed.

Referred to Committee on Constitutional Amendments.

By Senator Peeler:

Hon. J. L. Peeler, Austin, Texas.

Respected Sir: We, the undersigned electors in this voting precinct, hereby respectfully request you to exert your efforts and influence to the utmost in submitting the question of State wide prohibition to a referendum vote of the people of Texas.

There are about as many antis here as pros, but both sides want this question settled.

Therefore, we expect you to exert your influence in passing upon this important question as early as possible during the next session of the Legislature. We all think it is best to take this question out of politics, inasmuch as it will, if not speedily settled, create confusion world without end, and eventually dynamite some of you officeholders.

Numerously signed.

Referred to Judiciary Committee No. 1.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 15, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler:
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Hume.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell of Bowie the same was dispensed with.

PETITIONS AND MEMORIALS.

See Appendix for all petitions and memorials.

COMMITTEE REPORTS.

See Appendix for all committee reports.

BILLS AND RESOLUTIONS.

By Senator Terrell of Bowie:

Senate bill No. 41, A bill to be entitled "An Act to amend Article 1194 of Chapter 4 of Title 30 of the Revised Civil Statutes of the State of Texas, and providing for an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Mayfield and Meachum:

Senate bill No. 42, A bill to be entitled "An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing; to prohibit the leasing of premises for pool rooms, and to provide a penalty for its violation, and to repeal the act approved May 2, 1905, and published and known as Chapter 165 of the laws of the Regular Session of the Twenty-ninth Legislature, entitled 'An Act to amend Sections 1, 2 and 3, and adding thereto Sections 4 and 5 of Chapter 50 of the General Laws of Texas, passed at the Regular Session of the Twenty-eighth Legislature, entitled "An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing; to prohibit leasing premises for pool rooms and to provide a penalty for its violation," prohibiting horse racing and betting on horse racing on Sunday,' and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Kellie:

Senate bill No. 43, A bill to be entitled "An Act to authorize the commissioners courts of the several counties of Texas to create and establish navigation districts; to improve rivers, creeks and streams; to construct and maintain canals and waterways to permit of navigation or in aid thereof; to order and hold elections for the purpose of voting

on the establishment of such districts and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such improvements, and the maintenance thereof, and to levy and to collect taxes for the payment of such bonds and interest thereon; to appoint navigation and canal commissioners of such navigation districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such navigation districts or navigation and canal commissioners, and authorizing the navigation and canal commissioners to acquire by purchase, gift or grant for such district title to any right of way and other property; authorizing the navigation and canal commissioners to employ engineers, assistant engineers and other employes and to employ counsel; to enter into contracts for such improvements; to agree or co-operate with the Government of the United States, the proper department or officer thereof, for the carrying out of such improvement or the supervision of the same, and for all things necessary for the maintenance of such districts according to the provisions of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Hayter:

Senate bill No. 44, A bill to be entitled "An Act to amend Chapter 39 of the General Laws of the Thirtieth Legislature, entitled 'An Act to prohibit and prevent adulteration, fraud and deception in the manufacture of and sale of articles of food and drugs, prescribing penalties for the violation of this act, to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this act, and declaring an emergency,' so as to more perfectly prevent the manufacture of, sale of, or offering for sale of misbranded or adulterated foods and drugs, to prevent the addition to foods of any injurious drug or drugs or articles injurious to health, to provide for a Dairy and Food Commission and prescribing its duties, and declaring an emergency."

Read first time, and referred to Committee on Public Health.

By Senator Paulus:

Senate bill No. 45, A bill to be entitled "An Act creating a special road law for Lavaca county, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Alexander:

Senate bill No. 46, A bill to be entitled "An Act to amend Article 402 of Chapter 6, Title 11, Penal Code of the State of Texas, as amended by Chapter 40 of the Acts of the Regular Session of the Twenty-eighth Legislature of the State of Texas, approved March 16, 1903, relating to unlawfully selling intoxicating liquor, prescribing the punishment therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Willacy:

Senate bill No. 47, A bill to be entitled "An Act making appropriation to pay the mileage and per diem of the Presidential Electors of Texas for the year 1909, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Masterson:

Senate bill No. 48, A bill to be entitled "An Act to regulate certain traffic and freight rates of certain railroads and their connecting common carriers in this State, and to define and prescribe the power and duties of the Railroad Commission of Texas with respect thereto, and also to stipulate when this act takes effect, by declaring an emergency, and to repeal all laws or parts of laws in conflict therewith."

Read first time, and referred to Committee on Internal Improvements.

By Senator Brachfield:

Senate bill No. 49, A bill to be entitled "An Act to require common carriers engaged in moving commerce in the State of Texas to use locomotives which are equipped with ash pans that can be dumped or emptied and cleaned without the necessity of any employe going under such locomotive, and providing penalties for violations of the provisions of such act."

Read first time, and referred to Committee on Internal Improvements.

By Senator Stokes:

Senate bill No. 50, A bill to be entitled "An Act to provide for the location of

and establishment and maintenance of a State sanatorium for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor."

Read first time, and referred to Committee on Public Health.

By Senator Alexander:

Senate bill No. 51, A bill to be entitled "An Act to provide for the revising, digesting and publishing the laws, civil and criminal, of the State of Texas, making an appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator Masterson:

Senate bill No. 52, A bill to be entitled "An Act to regulate freight rates and charges on all kinds and classes of merchandise transported between places in Texas by railroads and other common carriers, and to define and prescribe the power and duties of the Railroad Commission of Texas with respect thereto, as well as to stipulate when this act becomes effective, by declaring an emergency, and to repeal all laws and parts of laws in conflict therewith."

Read first time, and referred to Committee on Internal Improvements.

By Senator Veale:

Senate bill No. 53, A bill to be entitled "An Act to provide for the patenting of portions of public lands heretofore sold by the State of Texas now owned by persons holding titles through deeds, executed by heirs, executors or administrators, with an emergency clause."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Alexander:

Senate bill No. 54, A bill to be entitled "An Act for the establishment, maintenance and government of a State Normal School, to be located at Thorp's Springs, Texas, and be known as the Brazos Valley Normal, and making an appropriation therefor."

Read first time, and referred to Committee on Educational Affairs.

By Senator Harper:

Senate bill No. 55, A bill to be entitled "An Act to regulate the granting of permission to engage in the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication and places wherein the same are sold, amend-

ing Section 9 of Chapter 133 of the Acts of the Thirtieth Legislature, adding Sections 9a, 9b and 9c, providing penalties for the violation of this act, and fixing the venue of prosecution for the violation of the provisions of this act."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Murray:

Senate bill No. 56, A bill to be entitled "An Act to repeal Chapter 5 of the Acts of the Special Session of the Thirtieth Legislature, creating independent school district for Nixon, Wilson and Gonzales counties, Texas."

Read first time, and referred to Committee on Educational Affairs.

By Senator Alexander:

Senate bill No. 57, A bill to be entitled "An Act putting into effect the constitutional amendment adopted by the people at the last general election, relating to public schools, by amending Sections 50, 57, 58, 59, 60, 61, 63, 65, 66, 76, 77, 78, 80, 81 and 154, and adding 154a, of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to school districts and school funds, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Hayter:

Senate bill No. 58, A bill to be entitled "An Act to amend Article 2472 of Title 45 of the Revised Civil Statutes of the State of Texas, and providing an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Meachum and Brachfield:

Senate Concurrent Resolution No. 4, Providing for the appointment of four members of the Senate by the Lieutenant Governor, and three members of the House of Representatives by the Speaker thereof as a committee to make a full, fair and complete investigation into the present condition of the penitentiary system of this State, the management thereof, and the treatment and condition of the State convicts, authorizing such committee to issue necessary process, summon and examine witnesses necessary to make such investigation, and authorizing the expense thereof to be paid out of the contingent funds of the Senate and House of Representatives, respectively, in equal proportion.

Read first time, and referred to Committee on State Penitentiaries.

By Senator Alexander:

Senate Concurrent Resolution No. 5, Resolved by the Senate, the House concurring. That the President of the Senate appoint a committee of three, and the Speaker of the House a committee of five, which joint committee shall arrange for the counting of the votes for Governor and Lieutenant Governor and arrange for the inauguration of said officers.

Read first time, and referred to Committee on Privileges and Elections.

Morning call concluded.

SIMPLE RESOLUTIONS.

Senator Meachum offered the following resolution, which was read and adopted:

Whereas, The members of the Senate desire the services of the stenographers and other employes prior to the meeting of the sessions; therefore, be it

Resolved by the Senate, That the stenographers and employes of this body be required by the Lieutenant Governor to report for duty at 8:30 a. m. every day, except Sunday, and to remain so long as their services are necessary.

MEACHUM,
HUDSPETH.

Senator Bryan offered the following resolution, which was read and adopted:

Resolved, That during the absence of Mr. Tom McClure as Assistant Doorkeeper that Mr. E. L. Dreeben be appointed to act as Assistant Doorkeeper in his place and stead, and the President of the Senate is hereby authorized to issue warrants for said services.

BRYAN,
WILLACY.

The Chair immediately appointed Mr. Dreeben to act as Assistant Doorkeeper, as provided for by the above resolution, and administered the constitutional oath of office, Mr. Dreeben's time to count from Tuesday, January 12, 1909.

INVITATION TO ATTEND DEBATE AT UNIVERSITY.

Senator Peeler presented the following invitation:

To the Senate:

The Oratorical Association of the University of Texas extends to the mem-

bers of the Senate a cordial invitation to attend the inter-society debate which takes place in the University auditorium at 8:15 p. m. Saturday, January 16, 1909.

The question to be discussed is, "Resolved, That the initiative and referendum form of government should be adopted in Texas."

THOS. W. THOMPSON,
President Oratorical Association.

On motion of Senator Peeler, the invitation was accepted.

EXCUSED.

On motion of Senator Harper, Senator Terrell of McLennan was excused for today and tomorrow on account of important business.

On motion of Senator Willacy, Senator Hume was excused for today and tomorrow on account of important business.

SENATE BILL NO. 47—PASSAGE OF.

Senator Willacy here moved to suspend the Senate rule requiring committee reports to lie over for one day for the purpose of considering Senate bill No. 47—mileage bill for Presidential Electors. (See committee report for caption.)

The motion prevailed by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hoisey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent—Excused.

Hume. Terrell of McLennan.

The committee report, which provided that the bill be not printed, was adopted.

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Murray.

Absent—Excused.

Hume.

Terrell of McLennan.

The Chair laid before the Senate, Senate bill No. 47. (See committee report for caption.)

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Murray.

Absent—Excused.

Hume.

Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Harper.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Kellie.
Greer.	Masterson.

4-8

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Paulus.	Thomas.
Peeler.	Veale.
Perkins.	Ward.
Real.	Watson.
Senter.	Weinert.
Stokes.	Willacy.

Absent.

Murray.

Absent—Excused.

Hume.

Terrell of McLennan.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 1, relating to the appointing of a committee to count the vote for Governor and Lieutenant Governor and for the inauguration of said officers.

The following have been appointed on part of the House:

Messrs. Von Rosenberg, Marshall and McLain.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

The above resolution was referred to Committee on Privileges and Elections.

AT EASE.

On motion of Senator Willacy, the Senate at 11 o'clock stood at ease until 12 o'clock.

At 12 o'clock the Senate was called to order by Lieutenant Governor Davidson.

HOUSE CONCURRENT RESOLUTION NO. 1.

Here the Committee on Privileges and Elections reported House Concurrent Resolution No. 1, providing for a committee to count the vote for Governor and Lieutenant Governor.

And on motion of Senator Alexander, the Senate rule requiring committee re-

ports to lie over for one day was suspended by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent—Excused.

Hume. Terrell of McLennan.

The committee report was adopted.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended and the resolution put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent—Excused.

Hume. Terrell of McLennan.

The resolution was then laid before the Senate, read and adopted.

In accordance with the resolution the Chair appointed the following committee to act with a like committee of the House to arrange for counting the vote for the Governor and Lieutenant Governor:

Senators Alexander, Sturgeon and Cofer.

RECESS.

On motion of Senator Willacy, the Senate, at 12:15 o'clock, recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 1, A bill to be entitled "An Act appropriating \$120,000, or so much thereof as may be necessary, out of the general revenue, to pay the mileage and per diem of members and per diem of officers and employes of the Thirty-first Legislature, and declaring an emergency."

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of \$20,000, or so much thereof as may be necessary, to pay the contingent expenses of the Thirty-first Legislature, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 47, A bill to be entitled "An Act making appropriations to pay the mileage and per diem of the Presidential Electors of Texas for the year 1909, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE CONCURRENT RESOLUTION NO. 2.

Here the Committee on Public Buildings and Grounds reported on Senate Concurrent Resolution No. 2. (See Appendix for committee report.)

Senator Peeler moved that the Senate rule requiring committee reports to lie over one day be suspended.

The motion prevailed by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent—Excused.

Hume. Terrell of McLennan.

The committee report was adopted.

The Chair laid before the Senate, Senate Concurrent Resolution No. 2, providing for fixing up a certain room in the building for an office for one of the Railroad Commissioners.

The resolution was read and adopted by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Murray.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Peeler.	

Absent—Excused.

Hume. Terrell of McLennan.

Senator Peeler moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.
(Senator Kellie in the chair.)

SENATE BILL NO. 6—PASSAGE OF.

The Committee on Judicial Districts having reported Senate bill No. 6.

Senator Veale moved to suspend the Senate rule requiring committee reports

to lie over one day for the purpose of considering this bill.

The motion prevailed by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent—Excused.

Hume. Terrell of McLennan.

The committee report was then adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 6, A bill to be entitled "An Act to prescribe the time and fix the terms for the holding of the terms of court in and for the Sixty-fourth Judicial District of Texas, and to conform all writs and process from such courts to such changes, and to repeal all laws in conflict herewith."

Bill read second time, and ordered engrossed.

On motion of Senator Veale the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent—Excused.

Hume. Terrell of McLennan.

The bill was read third time, and passed.

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED BY CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing and did sign in the presence of the Senate, after their captions had been read:

Senate bill No. 1, "An Act appropriating \$120,000, or so much thereof as may be necessary, out of the general revenue, to pay the mileage and per diem of members and per diem of officers and employes of the Thirty-first Legislature, and declaring an emergency."

Senate bill No. 2, "An Act appropriating the sum of \$20,000, or so much thereof as may be necessary, to pay the contingent expenses of the Thirty-first Legislature, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Cofer, the Senate, at 4:35 o'clock p. m., adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 23, A bill to be entitled "An Act constituting Dallas county the Fourteenth, Forty-fourth and Sixty-eighth Judicial Districts, providing for the present judges of the Fourteenth and Forty-fourth Judicial Districts to continue to hold their offices for the term for which they were elected, the appointment of a suitable person by the Governor as judge of the Sixty-eighth Judicial District to hold until the next general election; that said courts shall not exercise criminal jurisdiction and shall exercise concurrent jurisdiction in all civil cases and proceedings of which district courts are given jurisdiction by the Constitution and laws of the State; that the present district clerk of Dallas county shall continue to hold his office

for the term for which he is elected, and providing for filling vacancy, should one occur, in said office; providing for making up a docket for the Sixty-eighth Judicial District Court from the dockets of the other two courts, equalizing the dockets of the three courts as near as may be; prescribing how cases shall be numbered and filed in the several courts; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to prescribe the time and fix the terms for the holding of the terms of court in and for the Sixty-fourth Judicial District of Texas, and to conform all writs and process from such courts to such changes, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and that same be not printed.

WATSON, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Judicial Districts, to whom was referred

Senate bill No. 29, A bill to be entitled "An Act to amend Article 1050, and to repeal Article 1051, Chapter 23, Title 27 of the Revised Statutes of the State of Texas,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.
MASTERSON,
HARPER,
PAULUS,
TERRELL of Bowie,
WARD.

(Minority Report.)

Committee Room,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on Judicial Districts, to whom was referred

Senate bill No. 29, A bill to be entitled "An Act to amend Article 1050, and to repeal Article 1051, Chapter 23, Title 27 of the Revised Statutes of the State of Texas,"

Have had the same under consideration, and do not concur in the majority report, and beg to report it back to the Senate with the recommendation that it do not pass.

STURGEON.

Committee Room,
Austin, Texas, January 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

Senate Concurrent Resolution No. 3, To select a site for the Hood's Brigade monument,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

COFER, Chairman.

Committee Room,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

Senate Concurrent Resolution No. 2, To authorize and empower the Superintendent of Public Buildings and Grounds, to rearrange and make certain changes in the room occupied by the secretary of the Railroad Commission,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

COFER, Chairman.

(Floor Report.)

Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Privileges and Elections, to whom was referred

House Concurrent Resolution No. 1, providing for counting the vote for Governor and Lieutenant Governor,

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Thomas, Chairman; Adams, Perkins, Ward, Real.

(Minority Report.)

Committee Room,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned minority of your Committee on Constitutional Amendments, to whom was referred

Senate Concurrent Resolution No. 1, being a resolution to amend Article 16 of the Constitution of the State of Texas by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas at an election for that purpose shall vote in favor of the amendment,

Have had the same under consideration, and as we do not concur with the majority of this committee, beg to report it back to the Senate with the recommendation that it do not pass.

WATSON,
MASTERSON,
WEINERT.

(Majority Report.)

Committee Room,
Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Concurrent Resolution No. 1, To amend Article 16 of the Constitution of the State of Texas by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas at an election for that purpose shall vote in favor of the amendment,

Have had the same under consideration, and are instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by adding a caption to read as follows: "Proposing an amendment to Article 16 of the Constitution of the State of Texas by adding thereto Section 58,"

And by striking out Senate Concur-

rent Resolution No. 1, and add in its stead Senate Joint Resolution No. 1,

And by striking out the following words: "Resolved by the Senate of the State of Texas, the House of Representatives concurring," and add in its stead the following, "Be it resolved by the Legislature of the State of Texas."

VEALE, Chairman.

(Floor Report.)

Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 47, A bill to be entitled "An Act making appropriation to pay the mileage and per diem of the Presidential Electors of Texas for the year 1909, and declaring an emergency,"

Have had the same under consideration, and report the same back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Meachum, Terrell of Bowie, Harper, Brachfield, Peeler, Murray.

Committee Room,

Austin, Texas, January 14, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 15, A bill to be entitled "An Act to amend Article 994a, Chapter 12, Title 27 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, January 14, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 1, A bill to be entitled "An Act appropriating one hundred and twenty thousand dollars (\$120,000), or so much thereof as may be necessary, out of the general revenue to pay the mileage and per diem of members and per diem of officers and employes of the Thirty-first Legislature, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, January 14, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Bill No. 2, A bill to be entitled "An Act appropriating the sum of \$20,000, or so much thereof as may be necessary to pay the contingent expenses of the Thirty-first Legislature, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Bill No. 47, A bill to be entitled "An Act making appropriation to pay the mileage and per diem of the Presidential Electors of Texas for the year 1909, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 2, "An Act appropriating the sum of twenty thousand dollars (\$20,000), or as much thereof as may be necessary, out of the general revenue to pay the contingent expenses of the Thirty-first Legislature, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 4:15 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Acting Chairman.

Committee Room,

Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 1, "An Act appropriating one hundred and twenty thousand dollars (\$120,000), or so much thereof as may be necessary, out of the general

revenue to pay the mileage and per diem of the members and per diem of officers and employes of the Thirty-first Legislature, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 4:15 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Acting Chairman.

PETITIONS.

By Senator Cofer:

Denison, Texas, November 18, 1908.

To Hon. R. E. Cofer, State Senator, Gainesville, Texas.

Dear Sir: Beginning with the Constitution of the State of Texas practically every man, woman and child who have had matters of trust with their fellowman have had occasion in some degree to feel the burdensome effect of the State laws governing the collection of accounts. The very nature of the construction of these laws show an unmistakable tendency to shield the "dead beat" and encourage them in defeating payment of their honest debts, rather than to reward honesty between man and man.

Under these laws one may loan to another, either for profit or without compensation, his time, knowledge or merchandise, means with which to feed, clothe and shelter his family, and has no power in any court of justice by which he can enforce collection of same, where persons so accommodated refuse to pay, and through these laws, which are the very essence of the basest character of "class legislation," many a fortune has been lost and many an honest retailer has been censured for failure for which these laws alone are responsible.

Therefore, we, the undersigned, do most earnestly petition you to vote in the coming Legislature in favor of a bill submitting to the vote of the people of an amendment to the State Constitution which will provide the privilege of a creditor to garnishee at least 25 per cent of wages for the payment of a debt made for the necessities of life.

Numerously signed.

By Senator Perkins:

Pike, Texas, December 29, 1908.

Mr. Tom W. Perkins:

We, the undersigned, would call your attention to the fact that we believe the question of submission of Statewide

prohibition is the most important question that will come before the Thirty-first Legislature. We ask you to do what you can to have it passed and see that it is taken up in the first part of the session and pushed through.

Numerously signed.

Referred to Judiciary Committee No. 2.

By Senator Adams:

Llano, Texas, December 23, 1908.

Hon. W. N. Adams, Brownwood, Texas.

Sir: Preliminary to commending to your favorable consideration a measure which will come before the Thirty-first Legislature, having for its object the securing of a better attendance upon the public free schools of the State, the members of the Teachers' Institute of Llano county ask leave to direct your attention to a few disagreeable, but pertinent facts gathered from educational statistics.

For the year ending August 31, 1906, 47 per cent of the children within the scholastic age residing in the rural districts, were out of the schools all the time that the schools were in session, and the rank of Texas, as compared with other States and Territories, on the per cent of scholastic population enrolled, was 43rd, and in average daily attendance, was 37th.

Of the population of Texas in 1905, 73.8 per cent were native whites, 5.8 per cent were foreign-born whites, and 20.4 per cent were negroes. A comparison with all the other States shows that Texas ranks twenty-fourth in the number of native whites and fourteenth in foreign-born whites. But, while she ranks twenty-fourth in the number of native-born whites, she drops to the rank of thirty-second in intelligence, or the ability of those native-born citizens to read and write; while she ranks fourteenth in the number of foreign-born citizens, she drops to the very bottom, or to the rank of forty-fifth in the ability of those foreign-born citizens to read and write.

As shown by the report of the United States Commissioner of Education, the rank of Texas is first in revenues derived from permanent funds; eleventh from State funds, and from local taxation forty-second. Since the adoption of the constitutional amendment authorizing the taxpaying voters of districts to vote a tax of 50 cents on the \$100 valuation of taxable property in the district, for the further maintenance of

the public free schools, and the erection and equipment of school buildings in the matter of revenues to be derived from local taxation our rank may soon be raised from about the lowest to near the highest. Obviously the low average daily attendance and alarming illiteracy pointed out do not result from a lack of revenue.

Immigration into Texas within the next twenty or thirty years will be beyond the estimate of the most far-seeing of today, and soon our foreign-born population will have reached such formidable proportions as to make its assimilation into the body politic more imperatively necessary than ever before. This assimilation can best be accomplished by education in the public schools. But, as the prevailing tendency now is with that class, if it continues with the vastly growing numbers to come into our midst within the near future, adding that illiteracy to the illiteracy of the native-born whites, the condition will have become appalling.

The public school system as it now is is not meeting the demands made upon it in that particular, and is manifestly inadequate. Thousands of boys and girls are growing up in densest ignorance and illiteracy, if not to be a curse, surely not to be helpful to the State and society so unfortunate as to have them in its midst. We believe the time has come for the enactment of a law compelling children within the scholastic age to attend the public schools, and so believing, we earnestly and respectfully ask you to give such a measure your best thought and active support, if it should be presented to the Thirty-first Legislature.

Respectfully submitted,
H. F. McLEOD,
THOS. E. LEE,
MRS. ELLA B. OVERALL,
Committee.

Referred to Committee on Educational Affairs.

By Senator Adams:

Hon. W. N. Adams, Representing
Fourteenth District.

We, the members of the Farmers County Union, now in session assembled in Llano county, this the 8th day of January, 1909, believing that Cherokee, San Saba county, Texas, is a desirable place for the location of one of the normal schools, which we understand the Thirty-first Legislature contemplates providing for, recommend said place as

suitable in every particular for such a school, and respectfully petition you to recommend to the Thirty-first Legislature the location of such institution in Cherokee, San Saba county, Texas.

Yours respectfully,
W. N. LEE,
County Secretary.

Senator Ward presented the following petition from Cleburne and Waxahachie; Senator Perkins from Commerce and Altoga; Senator Mayfield one from Bosque county; Senator Greer one from Wills Point, and Senator Hayter one from Decatur, all of the petitions being numerously signed:

We, the undersigned, would respectfully petition you to support the measure known as the Texas Itinerant Drug Vendors' Bill, which has for its object the regulation of the itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity, and to provide for the licensing of vendors of the same.

Senator Hudspeth offered the following:

Marfa, December 21, 1908.

To the Hon. Claud Hudspeth.

We, the undersigned citizens and voters of Presidio county, do hereby respectfully urge that you use your vote and influence to have the matter of an amendment to the Constitution of Texas in regard to State Prohibition submitted to the Thirty-first Legislature at the first of the session as we think that this is the most important matter that will come before the Legislature and should not be attended to in the heat and hurry of adjournment.

Numerously signed.

Sanderson, Texas, January 2, 1909.

To Hon. C. B. Hudspeth and Hon. A. M. Turney, Members of the Thirty-first Legislature of Texas.

We, your undersigned constituents, duly qualified voters of Terrell and adjoining counties, do hereby earnestly request that you support an amendment to the game laws of this State providing that a hunting license be required to be paid by any one who hunts in a county in which he is a nonresident, the fees thus collected to go to the support of a local game warden, so that his compensation will be sufficient to justify him in devoting his whole time during the hunting season to looking after the protection of game and the en-

forcement of the game laws, also that the open season for doves be changed so that they may be killed from September 1st to December 1st, as they are of a migratory nature and very few can now be killed during the open season on account of their scarcity.

Numerously signed.

By Senator Hayter:

To Hon. J. P. Hayter, State Senator of the Thirty-first District.

Beginning with the Constitution of the State of Texas, practically every man, woman and child, who have had matters of trust with their fellowman, have had occasion, in some degree, to feel the burdensome effect of the State laws governing the collection of accounts. The very nature and construction of these laws show an unmistakable tendency to shield the "dead beat" and encourage them in defeating payment of their honest debts, rather than to reward honesty between man and man.

Under these laws one may loan to another, either for profit, or without compensation, his time, knowledge or merchandise, means with which to feed, clothe and shelter his family, and has no power in any court of justice by which he can enforce collection for same, where persons so accommodated refuse to pay, and through these laws, which are the very essence of the basest character of "class legislation," many a fortune has been made and lost and many an honest retailer has been censured for failure for which these laws alone are responsible.

Therefore, we, the undersigned, do most earnestly petition you to vote in the coming Legislature in favor of a bill, submitting to the vote of the people of an amendment to the State Constitution which will provide the privilege of a creditor to garnishee at least 25 per cent of wages for the payment of a debt for the necessities of life.

Numerously signed.

By Senator Willacy:

To Hon. W. N. Adams, State Senator, Thirty-first Legislature of Texas.

Dear Sir: We hereby submit to you for your consideration the following, to wit:

Beginning with the Constitution of the State of Texas, practically every man, woman and child, who have matters of trust with their fellowman have had occasion, in some degree, to feel the burdensome effect of the State laws gov-

erning collections of accounts. The very nature of these laws show an unmistakable tendency to shield the "dead beat" and encourage them in defeating payment of their honest debts rather than to reward honesty between man and man. Under these laws one may loan to another, either for profit or without compensation, his time, knowledge or merchandise, means with which to feed, clothe and shelter his family, and has no power in any court of justice by which he can force collection for same, where persons so accommodated refuse to pay, and through these laws, which are the very essence of the basest "class legislation," many a fortune has been lost and many an honest retailer has been censured for failure for which these laws alone are responsible.

Therefore, we, the undersigned, do most earnestly petition you to vote in the coming Legislature in favor of a bill, submitting to the vote of the people an amendment to the State Constitution which will provide the privilege of a creditor to garnishee at least 25 per cent of wages for the payment of a debt made for the necessities of life.

We further wish to call your attention to the fact that in our present statutes, a landlord may furnish a tenant anything or sell him anything and take pay for same out of the tenant's crop, claiming his right as landlord to do so, even though the merchant may have furnished the tenant's merchandise, even necessities of life, having as security a mortgage on the crop, thereby being defrauded out of his rights in the premises by both landlord and tenant.

What we wish to especially call your attention to, is this: to modify said law in such a way as to force the landlord to recognize a mortgage given for merchandise or especially, necessities of life, and to force him to recognize such mortgage in settlements and disposition of the crops.

Another phase of our mortgage laws we wish to call your attention to is this: The law as it now stands provides that in the disposition of mortgaged property there must show an intent to defraud the creditor, which clause is again in favor of the "dead beat," from the fact that a party may dispose of mortgaged property and it devolves upon the party to whom the mortgage was given to prove that the intent was to defraud. We think this part of same should be stricken out.

We submit these facts for your ear-

nest consideration and we hope your earnest support.

Respectfully submitted,

RETAIL MERCHANTS' ASSOCIATION OF BRADY AND ADJACENT TERRITORY.

Per C. D. ALLEN,
AUG. F. BEHRENS,
ALBERT C. BOGE,
Legislative Committee.

By Senator Cofer:

Dexter, Texas, December 31, 1908.
Hon. R. E. Cofer, Gainesville.

Dear Sir and Friend: I respectfully enclose this circular which please kindly read and do what you can to stop the described traffic and greatly oblige the people who live in Cooke and bear their part of the burdens of taxation.

Yours truly,

J. D. HENRY.

Enclosure referred to is copy of Drug Vending Bill.

FIFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, January 18, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of
Holsey.	McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hume. Senter.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell of Bowie, the same was dispensed with.

PETITIONS AND MEMORIALS.

See Appendix for all petitions and memorials.

STANDING COMMITTEE REPORTS.

See Appendix for all committee reports.

REPORT OF SERGEANT-AT-ARMS.

The Chair laid before the Senate the following communication from the Sergeant-at-Arms:

Austin, Texas, January 13, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I have checked list of articles of Senate property, and find the following missing:

One lounge, 1 rotary chair, 2 water coolers, 1 large waste basket, 5 feather dusters, 9 dust pans, 1 water pail, 15 towels, 1 comb and brush, 1 whisk broom, 3 bars Sapolio, 1½ dozen lead pencils, 11 bottles mucilage, 1 ball twine, 284 1-cent wrappers, 23 1-cent post cards, 1 rocking chair.

M. F. HORNBUCKLE,

Sergeant-at-Arms.

The communication was read and referred to Committee on Contingent Expenses.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the committee appointed to count the vote and to arrange for the inauguration of the Governor and Lieutenant Governor.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

REPORT OF JOINT COMMITTEE.

By Senator Alexander:

Committee Room,

Austin, Texas, January 15, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sirs: Your Joint Committee, ap-